



U.S. Department of Justice

*United States Attorney
Southern District of New York*

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

December 3, 2014

By ECF

Hon. Katherine B. Forrest
United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007

Re: *United States v. Ross William Ulbricht*, S1 14 Cr. 68 (KBF)

Dear Judge Forrest:

This letter is submitted on behalf of the Government in response to the Court's Order dated December 1, 2014, requesting that the parties convey any concerns with the Court's proposed jury questionnaire by today, December 3, 2014. The Government has no concerns with the Court's proposed questionnaire, except that it respectfully requests that an instruction be added, instructing potential jurors to avoid reading or watching any news regarding the case, and to refrain from doing any research about the case or the defendant.

As set forth below, the Government has the following responses to the concerns expressed by the defendant regarding the preliminary instructions and the case summary portion of the juror questionnaire:

1. The Government believes that the current language in the preliminary instructions, indicating that "[t]his questionnaire is designed to help simplify and shorten the jury process," accurately states the purpose of the juror questionnaire. For the reasons set forth in the Government's prior letter, dated September 9, 2014, the Government does not believe, as the defendant contends, that a questionnaire is necessary to make the process "*more* efficient and fair." (emphasis added). Accordingly, the Government believes that this statement in the preliminary instructions should not be changed.
2. The Government believes that it is important to list the defendant's alleged aliases as part of the summary of the case to notify the jury of pseudonyms they may be familiar with from media coverage of the case or other sources. However, to address the concern raised by the defendant, the Government has no objection to changing the language of the second paragraph of the case summary to read, "The

Indictment in this case contains criminal charges against one defendant: ROSS WILLIAM ULBRICHT, who the Government alleges used the aliases “Dread Pirate Roberts,” “DPR,” and “Silk Road.”

3. The Government believes that the Silk Road website is fairly characterized as a black-market Internet website as part of the summary of the case. To address the concern raised by the defendant, the Government has no objection to adding the word “alleged” prior to “black-market Internet website.”
4. The Government believes that Bitcoins are accurately characterized and commonly referred to as “a form of digital currency” and that it will be referred to as such during the testimony of witnesses. Accordingly, the Government believes that the paragraph in the summary of the case describing Bitcoins should remain in its current form.
5. The Government has no objection to adding the phrase “and has pleaded not guilty to all of them” at the end of paragraph 8 of the summary of the case.

To the extent the defendant renews his request to insert certain questions into the juror questionnaire, the Government renews its objections from its letter dated September 9, 2014. Further, to the extent that the Court decides to insert the defendant’s proposed question 30, the Government would renew its prior request to include a question to identify any juror who has any views on drug legalization that may affect their ability to be a fair and impartial juror in this case. Specifically, as set forth previously, the Government would propose inserting, at the end of defendant’s proposed question 30, the following question: “In particular, do you have any views concerning drug laws or drug legalization that may affect your ability to be fair and impartial in this case?”

Respectfully,

PREET BHARARA
United States Attorney



By: _____
TIMOTHY T. HOWARD
SERRIN TURNER
Assistant United States Attorneys
Southern District of New York

cc: Joshua Dratel, Esq.
Lindsay Lewis, Esq.